

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DANTE SADLER, #189 319,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:17-CV-639-MHT
 [WO]
DAVID DENNIS,)
)
Defendant.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff, a state inmate, filed this 42 U.S.C. § 1983 action on September 25, 2017, challenging events which occurred at the Ventress Correctional Facility in June of 2017. On October 10, 2017, the court directed Plaintiff to forward to the Clerk of Court an initial partial filing fee in the amount of \$29. Doc. 3. Plaintiff was specifically cautioned that his failure to comply with the October 10 order would result in a Recommendation that his complaint be dismissed. Doc. 3. On October 26, 2017, the court granted Plaintiff's request for additional time to comply with the order that he submit an initial partial filing fee. Doc. 11.

The requisite time to comply with the October 10 and 26 orders has expired, and Plaintiff has not provided the court with the initial partial filing fee. Consequently, the court concludes that dismissal of this case is appropriate for Plaintiff's failures to prosecute this action and to comply with the orders of the court. *See Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (holding that, as a general rule, dismissal for failure to obey a court order is not an abuse of discretion where a litigant has been forewarned).

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be DISMISSED without prejudice for Plaintiff's failures to comply with the orders of the court and

to prosecute this action.

It is further ORDERED on or before **December 23, 2017**, Plaintiff may file an objection to the Recommendation. Any objection filed must specifically identify the findings in the Magistrate Judge's Recommendation to which Plaintiff objects. Frivolous, conclusive or general objections will not be considered by the District Court. Plaintiff is advised this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar a party from a *de novo* determination by the District Court of factual findings and legal issues covered in the report and shall "waive the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11th Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

DONE on this 8th day of December, 2017.



GRAY M. BORDEN
UNITED STATES MAGISTRATE JUDGE